

navigation, for any purpose expressly authorized by the statutes creating and empowering such districts, and, in addition thereto, for the manufacture or repair of vessels, or parts thereof, or for constructing and operating buildings, shipways, drydocks, piers, railways, office buildings, shops, or other facilities and structures thereon, for the use or benefit of the United States Government, or of such person, firm, or corporation, and for similar purposes connected with the development and operation of ports; that the terms and conditions of such lease may be agreed upon between the Navigation Commissioners and the lessees; that such lease shall be executed by the chairman or vice-chairman of such navigation district and attested by its secretary or assistant-secretary; and where such a lease is for ten years or less and is with the United States Government or any agency thereof, or with any person, firm, or corporation contracting with the United States Government, or any agency thereof, or with any person, firm, or corporation whose activities are connected with, or contribute to, the construction, maintenance, operation, and development of the port and its facilities and of its waterways, or whose activities are connected with commerce and navigation, advertising of the said lease shall not be required; providing that unconstitutionality of any part of the law shall not invalidate the remainder; providing that all laws or parts of laws in conflict herewith are repealed; and that this Act is not a limitation upon, but is a grant of additional powers to such navigation districts; and declaring an emergency."

Appointment Announced

The President announced the appointment of Senator Weinert to act as presiding officer of the Senate tomorrow in case both the President and President Pro Tempore are absent, and he also appointed Senator Weinert to serve as Chairman of the meeting of the Committee of the Whole Senate to be held tomorrow in case the President Pro Tempore is absent.

Adjournment

On motion of Senator Martin, the Senate at 3:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

FOURTEENTH DAY

(Wednesday, February 5, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Cotten.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Moore

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with, and the Journal was approved.

Leave of Absence Granted

Senator Moore was granted leave of absence for today on account of important business, on motion of Senator Van Zandt.

Report of Standing Committee

Senator Weinert submitted the following report:

Austin, Texas,
February 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 92, A bill to be entitled "An Act vesting the Supreme Court with the power to make amendments or changes in the rules of practice and procedure in civil actions prior to July 1, 1941, such changes to be effective September 1, 1941; providing for notice of any such amendment or

changes; providing that this Act shall not repeal other powers of the Court to make rules of procedure; repealing laws in conflict herewith to the extent of such conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President Pro Tempore to the committees indicated:

By Senator Weinert:

S. B. No. 110, A bill to be entitled "An Act providing that no county having a population of not less than twenty-five thousand, four hundred seventy (25,470), nor more than twenty-five thousand, nine hundred fifteen (25,915) according to the last preceding, or future Federal Census, shall have a county auditor; abolishing the office of county auditor in any such county; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Hazlewood:

S. B. No. 111, A bill to be entitled "An Act amending Article 7343, of the Revised Civil Statutes of Texas of 1925, permitting governing bodies of incorporated cities or towns to employ attorneys residing in adjacent counties in the collection of delinquent taxes, and repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency and providing the Act shall take effect from and after its passage."

To Committee on Towns and City Corporations.

By Senator Lovelady:

S. B. No. 112, A bill to be entitled "An Act further regulating the sale of alcoholic beverages in this State under the Texas Liquor Control Act by repealing Subdivision (f) of Subsection (1), Section 19, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. No. 8, Acts of the Third Called Session of the Forty-fourth Legislature, and as

further amended by H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and by S. B. No. 20, Acts of the First Called Session of the Forty-fifth Legislature, and by adding to said Article II of said Act a new section to be designated as Section 19½; prohibiting the employment of persons under twenty-one (21) years of age to sell or to assist in the selling, handling, transporting, or dispensing of beer; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Sulak:

S. B. No. 113, A bill to be entitled "An Act providing a method of issuing and registering for payment public school warrants drawn on the local maintenance funds; providing for the payment of such warrants in the order of registration; prohibiting the purchasing or offering to purchase warrants at a discount and providing a penalty; providing that obligations incurred prior to the effective date of this Act are not precluded; providing a saving clause; and declaring an emergency."

To Committee on Education.

By Senators Fain and Stone:

S. B. No. 114, A bill to be entitled "An Act providing for the sale and transfer by the Texas Prison Board of certain land in the City of Huntsville, Walker County, to United Gas Corporation, in exchange for a tract of land in Huntsville, Walker County, to be conveyed by United Gas Corporation to the Texas Prison Board; authorizing and empowering the Texas Prison Board to make the exchange of said properties and authorizing the chairman or vice-chairman to execute a deed of conveyance to be attested by the Board's secretary; and declaring an emergency."

To Committee on Public Lands and Land Office.

By Senator Brownlee:

S. B. No. 115, A bill to be entitled "An Act making an appropriation of an amount necessary to pay the claim of the American National Bank, of Austin, Texas, a corporation, the sum of Eight Thousand, Eight Hundred Sixty-one and 62/100 (\$8,861.62) Dollars, so appropriated and to be paid out of the State Treasury not otherwise appropriated to reimburse said

bank for moneys advanced for the construction of the Auditorium Building at Agricultural & Mechanical College of Texas, said building having been authorized by the Acts of the Thirty-fourth Legislature, First Called Session, 1915, page 104, and said sum being a part of the unexpended balance of said appropriation, this claim having been approved and allowed by the Forty-fifth Legislature in the Acts of 1937, page 919, appearing as an item in the Miscellaneous Claims Appropriation Bill passed at that session of the Legislature, Chapter 404, et. seq.; page 905 in the item appearing on page 915, said claim having been adjudicated to be a valid and subsisting claim against The State of Texas by a final judgment of the Honorable District Court of Travis County, Texas, for the 98th Judicial District of Texas in a final judgment entered therein on the 14th day of December, A. D. 1938; and declaring an emergency."

To Committee on Finance.

By Senator Hill:

S. B. No. 116, A bill to be entitled "An Act empowering the Courts of the State of Texas having original jurisdiction of criminal actions to suspend the imposition or execution of sentence and to place defendants on probation under certain conditions; specifying conditions of probation which, among others, may be imposed; providing for investigation, by probation officers, of the defendants seeking to come within the provisions of this Act; prescribing the period of probation and any extensions thereof; amending Articles 776, 777 and 778, Code of Criminal Procedure of Texas; providing for the discharge of defendants who have observed the conditions of probation imposed by the courts and the legal effect of such discharge; providing for the arrest, with or without warrant, of defendants on probation, and for the reimposition of sentence without jury trial in the event the conditions of probation have been violated; providing that the court may require bond of the defendant before releasing him on probation, and fixing the conditions of said bond; providing for the appointment of probation officers and the method thereof, and making provision for their compensation and for their necessary expenses, and making an appropriation therefor, and for the

bonding of such probation officers as shall handle moneys; authorizing the removal or suspension of probation officers under certain conditions; requiring the services of such probation officers to be available, under certain conditions, to judges of other courts, and to parole boards in the State of Texas for supervision of paroled convicts; prescribing the duties of such probation officers and the powers of such officers; providing that information obtained by said officers shall be privileged; providing for the transfer of probationers from one district to another under certain conditions; directing the commissioners court to provide office space for said probation officers; designating 'chief' and 'assistant' probation officers; retaining the effectiveness of the present suspended sentence law as to all defendants now under such sentence; repealing Article 776a, 779 and 780, Code of Criminal Procedure of Texas, but Articles 779 and 780 shall continue in effect as to all persons now at liberty under suspended sentence; repealing all laws or parts of laws in conflict herewith; providing that if any part of this Act is declared unconstitutional it shall not affect the validity of the remainder of the Act; and declaring an emergency."

To Committee on Criminal Jurisprudence.

Senate Resolution 29

Senator Hill offered the following resolution:

Be It Resolved by the State Senate of Texas, That the Hon. Tom King, State Auditor, be invited to appear Monday, February 10 at 11:00 o'clock a. m., before the Senate sitting as a Committee of the Whole Senate instead of February 5 at 11:00 o'clock a. m.

The resolution was read and was adopted.

Message from the House

The Assistant Reading Clerk of the House was recognized by the President Pro Tempore to present the following message:

Hall of the House of Representatives,
Austin, Texas,
February 5, 1941.

Hon. Clay Cotten, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has passed the following bills and resolution:

S. B. No. 14, A bill to be entitled "An Act to amend Article 4006, of the Revised Civil Statutes of 1925, as amended by S. B. No. 269, page 334, Acts of 1939, Regular Session, Forty-sixth Legislature, so as to permit members of families of furloughed, pensioned, and superannuated employees to accept free passes on carriers, and repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency and providing the Act shall take effect from and after its passage."

S. B. No. 36, A bill to be entitled "An Act to authorize and empower the Governor of the State of Texas to lease and demise to the United States the tract of land, known as Camp Hulen at or near Palacios, Matagorda County, Texas, now owned and held in trust by the State of Texas for the use and benefit of the 36th Division, Texas National Guard, together with such buildings, systems, fixtures, and appurtenances thereon, as he may deem advisable."

H. C. R. No. 32, Requesting the Attorney General to institute an investigation of prices on farm implements and machinery.

H. B. No. 29, A bill to be entitled "An Act to amend Chapter 5, Title 14, of the Revised Criminal Statutes of Texas of 1925, as amended, by amending Articles 1037 and 1037a relating to weights and measures, and by adding the new Articles numbered as follows: Articles 1037b, 1037c, 1037d, 1037e, 1037f, 1037g, 1037h, 1037i, and 1037j; prohibiting the sale, use, or possession of false weights, measures, or weighing or measuring devices and weights, measures, or weighing or measuring devices which have not been sealed by a weights and measures official; prohibiting the sale and use of devices which have been condemned for repairs; prohibiting the sale of commodities contrary to law; requiring commodities to be sold by weight, measure, or numerical count; regulating the packing and marking of packages and containers; requiring the net quantity of contents of such packages or containers to be plainly and conspicuously marked on the outside of package or container; requiring the name and address of manufacturer, packer, or distributor on pack-

ages; providing for certain variations in weight; prohibiting deceptive pack; providing for standard of fill of containers; providing for standards for the sale of butter, bread, milk, meat, and meat food products, including poultry; prohibiting misrepresentation of price or quantity of commodity, thing, or service; providing for establishment of rules and regulations, including a standard net weight, net measure, or net numerical count for commodities, products or articles, and including certain exemptions; defining certain terms; providing penalties for the enforcement of the Act; repealing all laws in conflict; including a saving clause; and declaring an emergency."

H. B. No. 30, A bill to be entitled "An Act to amend Chapter 7, Title 93, of the Revised Civil Statutes of Texas of 1925, as amended, pertaining to weights and measures, and the Babcock Test for Butterfat; by amending Articles 5714, 5736b, and 5736c, by adding a new article to be numbered 5714a; providing for the promulgation of specifications, tolerances, and regulations for commercial weighing and measuring devices; providing for the approval of pattern for commercial weighing and measuring devices; repealing the penalty in Article 5714; providing for the licensing of samplers and testers of milk and cream; providing for deposit of fees in State Treasury for enforcement of Act; eliminating substitute tester; reducing penalty provided in Article 5736c; repealing all laws in conflict herewith; including a saving clause; and declaring an emergency."

H. B. No. 140, A bill to be entitled "An Act authorizing the commissioners court in certain counties to allow each county commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as county commissioner; providing for the payment of the same; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Consideration of Senate Bill 110

Senator Weinert moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B.

No. 110 at any time during the remainder of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Moore

Consideration of House Concurrent Resolutions 27 and 29

Senator Moffett moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of H. C. R. No. 27 and H. C. R. No. 29 at any time during the remainder of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Moore

Reports of Standing Committee

Senator Mauritz, by unanimous consent, submitted at this time the following reports:

Austin, Texas,
February 4, 1941.

Hon. Coke R. Stevenson, President of the Senate:

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

H. C. R. No. 27, Authorizing the lending by State Highway Department of guard wire to Burkburnett Independent School District.

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

Austin, Texas,
February 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

H. C. R. No. 29, Authorizing the lending by State Highway Department of guard wire to Munday Independent School District.

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

House Concurrent Resolution 27

On motion of Senator Moffett and by unanimous consent, it was agreed to consider H. C. R. No. 27 at this time.

The President Pro Tempore laid before the Senate:

H. C. R. No. 27, Authorizing the Highway Department to lend certain discarded wire to the Burkburnett Independent School District.

The resolution was read and was adopted.

House Concurrent Resolution 29

On motion of Senator Moffett and by unanimous consent, it was agreed by the Senate to consider H. C. R. No. 29 at this time.

The President Pro Tempore laid before the Senate:

H. C. R. No. 29, Authorizing the State Highway Department to lend certain guard wire to Munday Independent School District.

The resolution was read and was adopted.

Consideration of Senate Bill 114

Senator Fain moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of S. B. No. 114 at any time during the remainder of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Moore

Report of Standing Committee

Senator Mauritz, by unanimous consent, submitted at this time the following report:

Austin, Texas,
February 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

S. B. No. 114, A bill to be entitled "An Act providing for the sale and transfer by the Texas Prison Board of certain land in the City of Huntsville, Walker County, to United Gas Corporation, in exchange for a tract of land in Huntsville, Walker County, to be conveyed by United Gas Corporation to the Texas Prison Board; authorizing and empowering the Texas Prison Board to make the exchange of said properties and authorizing the chairman or vice-chairman to execute

a deed of conveyance to be attested by the board's secretary; and declaring an emergency."

Have had the same under consideration and desire to report it back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

Senate Bill 114 on Second Reading

Senator Fain moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 114 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Moore

On motion of Senator Fain and by unanimous consent, Senate Rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 114 at this time.

The President Pro Tempore laid S. B. No. 114 before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 114 on Third Reading

The President Pro Tempore then laid S. B. No. 114 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Brownlee
Beck	Chadick

Cotten	Metcalf
Fain	Moffett
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Spears
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Moore

House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 29, to the Committee on Agriculture.

H. B. No. 30, to the Committee on Agriculture.

H. B. No. 140, to the Committee on Counties and County Boundaries.

Reference of House Concurrent Resolution 32

House Concurrent Resolution No. 32, received from the House today, was laid before the Senate, read by the Secretary, and referred by the President Pro Tempore to the Committee on Criminal Jurisprudence.

Report of Standing Committee on Senate Bill 110

Senator Weinert, by unanimous consent, submitted at this time the following report:

Austin, Texas,
February 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 110, A bill to be entitled "An Act providing that no county having a population of not less than twenty-five thousand, four hundred seventy (25,470), nor more than twenty-five thousand, nine hundred fifteen (29,915) according to the last preceding or future Federal Census, shall have a county auditor; abolishing the office of county auditor in any such county; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Senate Bill 110 on Second Reading

On motion of Senator Weinert and by unanimous consent, Senate Rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 110 at this time.

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 110 be placed on its second reading, passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Moore

The President Pro Tempore then laid the bill before the Senate on its second reading and passage to engrossment.

Senate Bill 110 on Third Reading

The President Pro Tempore then laid S. B. No. 110 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Cotten
Beck	Fain
Brownlee	Formby
Chadick	Graves

Hazlewood	Ramsey
Hill	Shivers
Isbell	Smith
Kelley	Spears
Lanning	Stone
Lemens	Sulak
Lovelady	Van Zandt
Martin	Vick
Mauritz	Weinert
Metcalfe	Winfield
Moffett	York

Absent—Excused

Moore

Senate Bill 36 with House Amendments

Senator Spears called S. B. No. 36 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Question.—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Moore

Committee Substitute Senate Bill 42 on Second Reading

On motion of Senator Metcalfe and by unanimous consent, Senate Rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of C. S. S. B. No. 42 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. No. 42, A bill to be entitled "An Act providing for a supplemental

scholastic census in school districts where there is an unusual increase in population due to proximity of national defense agencies; providing for the request by county superintendents for such census; directing the State Superintendent of Public Instruction to require the census and to approve a supplemental census roll of the districts; providing that said supplemental roll shall be a part of the original census of the district the same as if it had been taken in March; providing for the payment of scholastic apportionment in accordance with said supplemental scholastic census; providing for only one supplemental scholastic census in any one district annually; and declaring an emergency."

The bill was read second time.

On motion of Senator Metcalfe and by unanimous consent, further consideration of the bill was postponed until tomorrow immediately after completion of the morning call on that day.

House Bill 45 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 45, A bill to be entitled "An Act to create a Texas Defense Guard in the State of Texas during such time as any part of the National Guard is in active Federal Service, and to provide for the organization, maintenance, training and discipline thereof; and declaring an emergency."

The bill was read second time.

Senator Brownlee offered the following amendment to the bill:

Amend Section 11, H. B. 45, by striking out the entire Section as written, and substituting therefor, the following:

"Section 11. Enlisted Men. Persons shall be enlisted for three years unless sooner demobilized or discharged by authority of the Governor. The oath to be taken upon enlistment in the Texas Defense Guard shall be substantially in the form prescribed for enlisted men of the National Guard, substituting the words 'Texas Defense Guard' where necessary. It shall be the duty of the Governor to disband or demobilize units of the Texas Defense Guard and the officers thereof, ratably and progressively

upon the release of the Texas National Guard units from active Federal service and return to their home stations, provided that the Governor shall in his judgment accomplish the disbanding and demobilization of Texas Defense Guard units in conjunction with the return of the National Guard units so as to preserve in any locality or area of the State or in the State as a whole, proper defense of such areas, and provided further that upon the return of all of the Texas National Guard units to home station, all or any remaining units of the Texas Defense Guard will be disbanded or demobilized, in accordance with the provisions of Section 61 of the National Defense Act as amended and approved by the President, October 21, 1940."

The amendment was adopted.

The bill then was passed to third reading.

House Bill 45 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 45 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Moore

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Chadick
Beck	Cotten
Brownlee	Fain

Formby	Moffett
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Spears
Kelley	Stone
Lanning	Sulak
Lemens	Van Zandt
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	York

Absent—Excused

Moore

Relative to Meeting of Committee of the Whole

Senator Hill submitted the following motion in writing:

Mr. President:

I move that the Senate sit as a Committee of the Whole Senate at 11:10 a. m. today, February 5, 1941, in order to continue the hearing ordered in S. R. No. 19, heretofore adopted.

HILL.

The motion prevailed unanimously.

Consideration of House Bill 151

Senator Hill moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of H. B. No. 151 at any time during the remainder of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Moore

Consideration of House Bill 4

Senator Hill moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration in committee and by the Senate of H. B. No. 4 at any time during the remainder of the regular session of the Legislature.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Moore

Meeting of Committee of the Whole Senate

At 11:10 o'clock a. m., the President Pro Tempore announced the arrival of the hour for a meeting of the Committee of the Whole Senate, pursuant to the provisions of S. R. No. 19 and of the motion of Senator Hill adopted today.

The Senate resolved itself into a Committee of the Whole, and the President Pro Tempore requested Senator Weinert to act as Chairman of the committee.

Chairman Weinert called the committee to order.

The committee rose at 2:55 o'clock p. m.

In the Senate

The Presiding Officer (Senator Weinert) called the Senate to order, as in legislative session, at 3:00 o'clock p. m.

Adjournment

On motion of Senator Aikin, the Senate, at 3:00 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

FIFTEENTH DAY

(Thursday, February 6, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Spears
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	York

Absent—Excused

Winfield

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Winfield was granted leave of absence for today, on account of illness, on motion of Senator York.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Kelley:

S. B. No. 117, A bill to be entitled "An Act authorizing navigation districts created under any of the provisions of the Constitution or laws of this State in addition to the powers heretofore conferred by law to acquire, extend, construct, repair, build, develop and maintain certain improvements in aid of deep water navigation without taxation and to borrow money therefor from the Federal Government or any other source and to issue and deliver evidences of such indebted-